

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRADLEY WINTERS,

Defendant.

No. 23-CR-3032-LTS-KEM

REPORT AND RECOMMENDATION

Pro se Defendant Bradley Winters moves to suppress evidence obtained from search warrants purportedly issued on July 24, 2023 (for Facebook records); August 7, 2023 (tracking device); and August 24, 2023 (cell phone contents). Doc. 301. The evidence in question relates to Counts 1 through 3 of the Superseding Indictment. The deadline for filing pretrial motions as to these counts expired on May 13, 2024. Doc. 49. The court previously outlined the procedural history in this case and discussed the standard for untimely pretrial motions. Doc. 224. Winters seeks to file the current untimely motion based on “new” evidence, specifically information he obtained from a records request he made on December 19, 2024. Doc. 301 at 7. Winters has had ample opportunity to file pretrial motions; the information Winters recently obtained does not justify an untimely suppression motion.

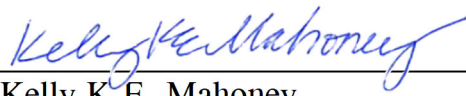
The court recommends **DENYING** Winters’s motion to suppress (Doc. 301) as untimely.

Objections to this Report and Recommendation, in accordance with 28 U.S.C. § 636(b)(1), Federal Rule of Criminal Procedure 59(b), and Local Criminal Rule 59, must be filed within fourteen days of the service of a copy of this Report and Recommendation; any response to the objections must be filed within seven days after service of the objections. A party asserting such objections must arrange promptly for

the transcription of all portions of the record that the district court judge will need to rule on the objections. Objections must specify the parts of the Report and Recommendation to which objections are made, as well as the parts of the record forming the basis for the objections. Failure to object to the Report and Recommendation waives the right to de novo review by the district court of any portion of the Report and Recommendation, as well as the right to appeal from the findings of fact contained therein.

The Clerk of Court will provide a copy of this order to pro se Defendant.

ENTERED on January 31, 2025.



Kelly K.E. Mahoney
Chief Magistrate Judge
Northern District of Iowa